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 JAREK MOLSKI
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 10/6/05

JAREK MOLSKI, an individual; and
 DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES:HELPING YOU
 HELP OTHERS, a California public benefit
 corporation,

Plaintiffs,

v.

TINY'S RESTAURANT, INC., a California
 corporation; TINY'S RESTAURANT,
 LLC., a California limited liability
 company; and GEORGE OW, JR., DAVID
 L. OW and TERRY L. OW, as trustees of
 the OW CHILDREN'S TRUST, dated
 December 23, 1993,

Defendants.

CASE NO. C04-02416 RMW

**STIPULATION OF DISMISSAL AND
 ORDER THEREON**

Plaintiffs JAREK MOLSKI and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES, by and through their counsel, and defendant TINY'S
 RESTAURANT, INC., a California corporation; TINY'S RESTAURANT, LLC., a California
 limited liability company; and GEORGE OW, JR., DAVID L. OW and TERRY L. OW, as
 trustees of the OW CHILDREN'S TRUST, dated December 23, 1993, by and through their
 counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to

STIPULATION OF DISMISSAL AND ORDER THEREON

1 Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release
 2 (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further
 3 consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See*
 4 Kokonen v. Guardian Life Ins. Co., 511 U.S. 375 (1994) (empowering the district courts to retain
 5 jurisdiction over enforcement of settlement agreements).

6 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
 7 their designated counsel that the above-captioned action be and hereby is dismissed with
 8 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

9 This stipulation may be executed in counterparts, all of which together shall constitute
 10 one original document.

11 Dated: August 19, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

13 By: _____/s/

14 Julia M. Adams
 15 Attorneys for JAREK MOLSKI and
 16 DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES:HELPING YOU HELP
 OTHERS

17 Dated: August 16, 2005

BASKIN & GRANT, LLP

19 By: _____/s/

20 Caleb S. Baskin
 21 Attorneys for Defendants GEORGE OW, JR.,
 22 DAVID L. OW and TERRY L. OW, as trustees of
 the OW CHILDREN’S TRUST, dated December
 23, 1993

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1 Dated: August 16, 2005

HARRINGTON, FOXX, DUBROW & CANTER,
LLP

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3 By: _____/s/_____
4 Henry A. Wirta, Jr.
5 Attorneys for Defendants TINY'S
6 RESTAURANTS, INC., and TINY'S
7 RESTAURANTS, LLC.

ORDER

8 IT IS SO ORDERED.

9 Dated: October 6, 2005

/s/ Ronald M. Whyte

10 Ronald M. Whyte
11 United States District Judge
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